

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CHERI LABLANCHE,

PLAINTIFF,

V.

NATIONAL BOARD OF MEDICAL
EXAMINERS – (NBME), FEDERATION
OF STATE MEDICAL BOARDS –
(FSMB), EDUCATIONAL COMMISSION
FOR FOREIGN MEDICAL GRADUATES
– (ECFMG)

DEFENDANTS.

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CIVIL ACTION NO. 4:13-CV-00204

**AFFIDAVIT OF CATHERINE FARMER, PSY.D.**

1. I am currently employed by the National Board of Medical Examiners ("NBME") as Director, Disability Services and ADA Compliance Officer, Testing Programs. As Director, my duties include, among other things, operational responsibility for the office that receives and processes requests for test accommodations for the United States Medical Licensing Examination ("USMLE"). I am responsible for making decisions whether to approve requests for accommodations on Steps 1 and 2 of the USMLE as well as decisions concerning the appropriateness of the accommodations to be provided.

2. The NBME is a private non-profit corporation which, together with the Federation of State Medical Boards of the United States, Inc. ("FSMB"), another non-profit corporation, has established the USMLE. The Educational Commission for Foreign Medical Graduates ("ECFMG") is the third collaborator in the USMLE program. The USMLE is an examination

designed to assess a physician's ability to apply knowledge, concepts, and principles, and to demonstrate fundamental patient-centered skills that are important in health and disease and that constitute the basis of safe and effective patient care. Each state's medical licensing authority sets its own rules and regulations for those seeking a license to practice in that jurisdiction. Results of the USMLE are reported to these authorities for their use in evaluating applicants seeking an initial license to practice medicine. The USMLE provides them with a common evaluation system for these applicants. Among the goals of the USMLE are (i) to provide to licensing authorities meaningful information from assessments of medical knowledge and skills that are important to the provision of safe and effective patient care; and (ii) to assure fairness and equity to applicants through the highest professional testing standards.

3. The mission of the NBME is to protect the health of the public by providing a common, consistent, state-of-the-art system of assessment for health professionals. Maintaining the integrity of the testing process is a critical part of the NBME's obligation to protect the public safety. In order to protect the integrity and meaning of the scores, the USMLE is administered under standard conditions, and the NBME has policies and procedures in place that are intended to ensure that no examinee or group of examinees receives unfair advantage on the examination.

4. It is also the responsibility of the NBME to ensure that applicants who request accommodations and have documented disabilities as defined by the Americans with Disabilities Act, as amended by the ADA Amendments Act of 2008 ("ADA"), receive reasonable and appropriate accommodations when taking the USMLE. The purpose of providing reasonable and appropriate accommodations is to afford examinees with disabilities equal access to the

examination process. There are three “Steps” of the USMLE exam, consisting of four individual examinations. The Step 1 and Step 2 Clinical Knowledge (CK) portions of USMLE are computer-based multiple choice examinations administered year-round at locations nationwide and internationally. The Step 2 Clinical Skills (CS) exam, in which examinees interact with individuals trained to portray patients, is administered year-round at six centers across the United States. The Step 3 portion of USMLE consists of computer case simulations and computer-based multiple choice items and is administered year-round at testing locations nationwide.

5. The NBME’s Office of Disability Services is responsible for implementing the USMLE’s policy of providing test accommodations to individuals with recognized disabilities under the ADA. Upon receipt and review of an examinee’s request for test accommodations and submission of the supporting documentation, NBME staff reviews the submission to ascertain whether there is adequate documentation to make an informed decision with regard to appropriate accommodations. Detailed guidelines concerning the type of information applicants should include with their requests are made available on the USMLE website. In the event a request is found to be lacking sufficient supporting documentation to render an informed decision, NBME notifies the examinee in writing and requests additional information.

6. Examples of supporting documents are listed in the Test Accommodations Guidelines (the “Guidelines”), made available at the USMLE web site. The Guidelines are attached to this affidavit as **Exhibit A**.

7. While the NBME grants reasonable test accommodations to examinees with disabilities as defined by the ADA, the NBME denies requests for test accommodations when the

applicant has not provided documentation which establishes the existence of a condition or impairment that rises to the level of a disability as defined by the ADA.

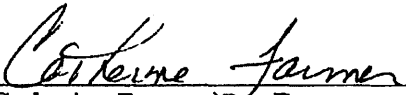
8. Our records demonstrate that Plaintiff Cheri LaBlanche took Step 1 of the USMLE in 2005 and failed to achieve a passing score. She also failed to achieve a passing score on Step 1 of the USMLE in 2007.

9. The NBME Office of Disability Services has no record of Cheri LaBlanche ever submitting a request for accommodations on the basis of a disability and thus has no record of denying any request for accommodations submitted by Cheri LaBlanche.

10. Cheri LaBlanche is not currently registered to take Step 1 of the USMLE.

Further affiant sayeth not.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 3rd DAY OF  
DECEMBER, 2013.

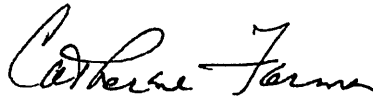
  
Catherine Farmer, Psy.D.

**AFFIDAVIT**


COMMONWEALTH OF PENNSYLVANIA     §  
                                                           §  
COUNTY OF PHILADELPHIA           §

Before me, Patricia M. Weaver, the undersigned notary public, this day personally appeared Catherine Farmer, Psy.D., who being duly sworn according to law, deposes and says:

All facts stated in the foregoing Affidavit of Catherine Farmer, Psy.D., in the *LaBlanche v. National Board of Medical Examiners* lawsuit, before the Southern District of Texas, 4:13-cv-204, are true and correct.

  
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Sworn to and subscribed before me this 3rd day of  
December, 2013.

  
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Notary Public

